

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/732,321 01/22/97 BUSUIOC

M 36-966

LMC1/1026

EXAMINER

NIXON & VANDERHYE
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8TH FLOOR
ARLINGTON VA 22201

JUNG, M

ART UNIT	PAPER NUMBER
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2739

13

DATE MAILED:

10/26/99

Please find below and/or attached an Office communication concerning this application or proceeding.**Commissioner of Patents and Trademarks**

Office Action Summary	Application No. 08/732,321	Applicant(s) Busuioc et al.
	Examiner Min Jung	Group Art Unit 2739

Responsive to communication(s) filed on Aug 4, 1999.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-25 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-25 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

Art Unit: 2731

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gell et al., 5,802,502 (Gell, hereinafter).

Gell discloses a system for selective communication connection based on transaction pricing signal. Gell discloses many different embodiments, but basically the concept being taught is the communication of a price signal from a plurality of service providers to a local exchange or to a user, and the local exchange or the user making selection of the service based on the information provided. Specifically, Gell teaches a plurality of long distance networks 2a-2c, individual long distance networks comprising data relevant to service provision via the network (price signal, quality of service parameter, etc.), and the long distance providers maintains and communicates the price signal, etc. made available to the user and responsive to selection of service by the user, provides the communication. See the first embodiment for general description in cols. 3-6. The second embodiment specifically teaches the selection being made by a user. See cols. 7-8. The software agents can read on the plurality of long distance providers or the local

Art Unit: 2731

exchange. For the claimed feature of updating, the teaching can be found at col. 6, lines 26-36, where it is taught that the agreed price or usage level is stored. Gell further teaches mobile communications network as in the second embodiment. See cols. 7 and 8.

Gell fails to specifically teach any object-oriented programs implemented at the long distance service provider or at the local exchange. From the applicants response to examiners question raised on 35 USC 112, first paragraph grounds, it is understood that the term "object-oriented software agents" does not have any special meaning other than a circuit having general communication functions as described in page 6 with the functions written in an object-oriented language. With this understanding, and also from the fact that object-oriented computer software is well known, it would have been obvious for one of ordinary skill in the art at the time of the invention to implement the functionalities in the long distance provider site and the local exchange site by providing object-oriented software.

Gell further teaches downloading of data to the user in the fifth embodiment. See col. 12, line 31 - col. 14, line 24.

Further, Gell teaches business strategy concept at col. 17, lines 59-67.

Response to Arguments

3. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection. The rejection on the grounds of 35 USC 112, first paragraph is withdrawn in view of applicants' response.

Art Unit: 2731

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is (703) 305-4363. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

M.JUNG

October 21, 1999


MIN JUNG
PRIMARY EXAMINER